

Frequently Asked Questions

1. **Where can I go to apply for a Land Disturbance Permit?** Applications are available at the Department of Community Development, 62 Culpeper Street, or on-line at <http://fauquiercounty.gov/government/departments/commdev/index.cfm?action=cdforms> or call 540-347-8708.
2. **My neighbor is clearing behind my house without any E&S controls; who do I call?** Call the Department of Community Development at 540-347-8708 or John Marshall Soil and Water Conservation District at 540-347-3120, ext. 3.
3. **Can I start work on my home prior to an initial E&S inspection?** No. Call John Marshall SWCD at 347-3120, ext. 3, before beginning any land disturbing activity.
4. **The common area in my subdivision does not have vegetation, who is responsible?** Your homeowners association is responsible for the maintenance of all common areas.
5. **I've just moved into my new house and water is pooling in my backyard; who do I call?** Contact your builder to correct any drainage problems.
6. **How do I become a certified Responsible Land Disturber (RLD)?** Information is available online at http://www.dcr.state.va.us/sw/es_rld.htm or contact Virginia Department of Conservation and Recreation at 347-6420.
7. **My neighbor has installed a dirt bike track and it is creating dust and noise. Who can I call?** Contact the Fauquier County Zoning Department at 347-8789.
8. **I want to repair or build a pond; who do I call?** Contact the Fauquier County Zoning Department for permitting requirements at 347-8789.
9. **My land is zoned agriculture. I will be disturbing more than 10,000 square feet for building a barn, am I exempt?** No. Contact Community Development for a Land Disturbance Application.
10. **My pond is being built to water my livestock. Do I need to obtain a permit?** No, if you are using the pond to water your livestock or for irrigation, you are exempt from the Land Disturbance Permit requirement. Call the Zoning Department to find out if there are other requirements.
11. **Where can I find more information on the new fee schedule that has been implemented?** <http://www.fauquiercounty.gov/government/departments/commdev/>
12. **I would like to make some changes to my plan but my project is currently under construction. Who do I contact about making changes?** A plan amendment or revision is required through the Office of Community Development. Permanent stormwater changes need to be done through the engineering dept. Any temporary erosion & sediment controls changes should be discussed with the E&S inspector on the project.
13. **Where can I dispose of my fill dirt that I no longer need for my active site?** The soil can be disposed at the landfill or taken to another permitted site.

“Man, despite his artistic pretensions and his many accomplishments,
owes his existence to a six-inch layer of topsoil and the fact that it rains.”

— Author Unknown

John Marshall
SWCD

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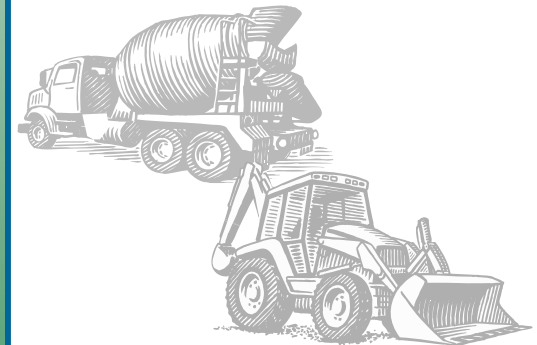
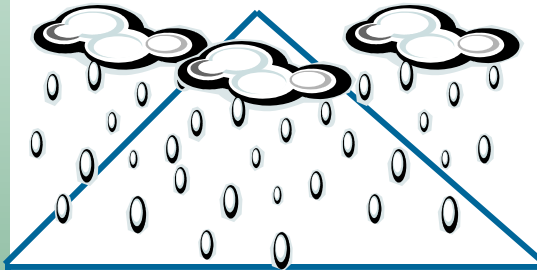


Department of
Community Development

Technical Division
62 Culpeper Street
Warrenton, VA 20186
(540) 347-8660
www.fauquiercounty.gov



Erosion & Sediment
Control in
Fauquier County



John Marshall
Soil & Water
Conservation District

The Fauquier County Grading, Soil Erosion and Sediment Control Ordinance (Chapter 11 of Fauquier County Code) requires a Land Disturbance Permit, prior to clearing, grading, filling, excavating or transporting material within the County, for areas greater than 10,000 square feet in size.

What is erosion?

Erosion is the process by which rainfall and flowing surface water dislodges and transports soil particles. Soil erosion occurs naturally by action of wind, water, ice and gravity. This normal process has been accelerated by man made activities. A typical construction site can erode at a rate as high as 100 to 500 tons/acre/year.

Soil erosion is one of the biggest threats facing the health of the Chesapeake Bay. Excessive sediment loads flowing into the Bay and its tributaries have become a major pollutant, adding stress to the aquatic life that depends on clean water for survival. Virginia State Law requires localities to regulate land disturbing activities to ensure Erosion & Sediment Controls are in place.

The John Marshall Soil and Water Conservation District (JMSWCD) began conducting E&S inspections for Fauquier County in 1994. Fauquier County Department of Community Development requires an approved Erosion & Sediment Control Plan prior to any land disturbance activity and requires inspections throughout the project until the site has met its one year establishment period.

Type of Inspections	1995	2002	2006
State Mandated Projects (bi-monthly, monthly, quarterly)	256	1607	1781
SFH in Subdivision		2087	5322
SFH in Rural areas		164	1437

* Single-Family Homes inspections did not start until 2002.

Residential & Commercial sites

All projects with more than 10,000 square feet of disturbance require a Land Disturbance Permit (LDP). Once a LDP has been approved and obtained by the owner, a pre-construction meeting is required with JMSWCD before any installation of E&S controls and disturbance on the site. The JMSWCD Inspector will need to inspect the E&S controls once they are installed and prior to any land disturbance activity to verify that the controls have been installed per the Virginia Erosion & Sediment Control Handbook.

The state law mandates that inspections are to be done every two weeks on an active project. Once the project has been stabilized but not yet covered with vegetation, then the site can be inspected monthly. When the site meets the 90% vegetated cover requirements by the Fauquier County Ordinance then the project is inspected quarterly for a year.

If violations are not fixed in the required time frame, a Notice of Violation will be sent out to the owner notifying them of the possibility of a Stop Work Order (SWO). If the next inspection reveals the violations cited in the Notice of Violation are still not in compliance then a Notice to Comply is sent out from Fauquier County. Failure to comply can result in a SWO that can be in effect for seven days or longer until the site complies with the state E&S requirements. Stop Work Orders can result in a fee of 50% of the original permit fee for re-instating a voided land disturbance permit. Stop Inspection Work Orders can be issued on Single-Family Homes (SFH) within subdivisions as well as when individual lots do not comply. SFH stop inspection work orders result in a delay on receiving building inspections from Fauquier County Building Permit Office.

Rural Single-Family Homes

In cases where homeowners are grading in preparation for building a single-family dwelling, this requirement is met by signing an Agreement in lieu of Plan form and obtaining either a Building Permit or a Land Disturbance Permit. If homeowners want to begin grading prior to obtaining a Building Permit, the owner must obtain a LDP prior to grading. Once a LDP has been issued by Community Development, an initial inspection must be scheduled with JMSWCD prior to grading to ensure the E&S controls have been installed. Inspections will be done on all new LDP projects and will continue when a building permit is issued under the SFH Homes program.

When a building permit has been issued the initial Erosion & Sediment Inspection needs to be scheduled prior to scheduling an inspection with the Fauquier County Building Department. Once JMSWCD sends notification to the Building Department, the owner or contractor can schedule their building inspection. A JMSWCD inspector will inspect the site until the site is stabilized and/or a final occupancy permit has been issued. Inspection reports documenting violations are sent to the contact information provided to JMSWCD for the duration of the project. Failure to address E&S violations within a timely manner can result in a Stop Inspection Work Order, suspending inspections by the Building Department. If an inspector is called for a re-inspection on a Stop Inspection Work Order and the inspection fails, a \$250.00 fee will have to be paid before the second re-inspection can be done.

Enforcement	1995	2002	2006
Stop Work Orders on active projects (Enforcement by Fauquier County)	2	1	4
SFH Stop Inspection Work Orders in Subdivisions & Rural areas	8	8	119
Formal Notices of violations	4	18	34

E&S controls seen on most SFH sites include silt fence and construction entrances. Silt fence prevents runoff from leaving the site into adjacent properties or state waterways. If entrenched properly, silt fence generally requires less maintenance overall. Construction entrances are required on all SFH sites as well. Construction entrances prevent tracking of soil into paved or public roadways. Other E&S measures may be necessary due to site conditions such as soil types, slopes, proximity to adjacent properties, state waterways, or sensitive areas such as wetlands. Your Responsible Land Disturber should be aware of any additional controls needed for your project.

To schedule an initial E&S inspection with JMSWCD for a SFH, the following is required:

1. The building permit number and holder.
2. Directions to the site.
3. Contact person's information –phone number & fax, and address to send report.
4. Once this information has been provided, notification will be sent to the building office to allow for scheduling of building inspections.



Silt fence & matting has been installed to protect the stream

All Land Disturbance Permits require the following:

1. A pre-construction meeting with a JMSWCD inspector.
2. An initial inspection of E&S controls prior to land disturbance.
3. E&S inspections will take place while project is under construction and until site becomes stabilized. Once stabilized, with no other major grading, it will be inspected quarterly for a year.



Silt fence has been installed to prepare for installation of this sediment basin. Upslope disturbance has not yet taken place since the sediment basin has not been completed. It is important to install all initial controls prior to upslope disturbance.